

**Minutes of a Special Session of the Common Council of the Town of Clarkdale
Held on Tuesday, November 27, 2018 at 3:00 P.M.**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, November 27, 2018, at 3:00 P.M. in the Clark Memorial Clubhouse, Men's Lounge, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER – Meeting was called to order at 3:01 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert
Councilmember Scott Buckley

Councilmember Bill Regner
Councilmember Debbie Hunseder

Town Staff:

Town Manager Gayle Mabery
Administrative Services Director Kathy Bainbridge
Finance Manager Kathy Cwiok
Utilities/Public Works Director Maher Hazine
Planning Manager Beth Escobar
Police Chief Randy Taylor
Town Clerk Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

Janice Benatz, Clarkdale resident and Town volunteer – noted retirement of Linda Lombardo, Utilities Clerk and Janice's work with Linda and Chris Livas on cemetery mapping. Kudos to Linda and Chris "the Guardian Angel of the Cemetery".

NEW BUSINESS

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

- A. Reports** - Approval of written Reports from Town Departments and Other Agencies
Building Permit Report – October, 2018
Capital Improvements Report – October, 2018
Water and Wastewater Report – September, 2018

Police Department Report – October, 2018
CAT/LYNX Transit Report – October, 2018

- B. Request for Extension of the Financial Assurance Time Period for Wildhorse Acres Estates, a Minor Subdivision** – Approval of a request for extension of the financial assurance time requirement for Wildhorse Acres Estates Minor Subdivision.
- C. Acceptance of Newly-Appointed Councilmember Debbie Hunseder's Resignation from her Position on the Planning Commission** – Approval and acceptance of Debbie Hunseder's official resignation from the Planning Commission.

Action: Approve Consent Agenda items A – C as presented.

Motion: Councilmember Regner

Second: Vice Mayor Dehnert

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

NEW BUSINESS

PRESENTATION RELATING TO PROPOSED MODIFICATIONS TO ADDRESS NOISE COMPLAINTS AT THE COTTONWOOD MUNICIPAL AIRPORT – A presentation from City of Cottonwood Airport Manager Morgan Scott relating to Cottonwood's recent efforts relating to airport noise complaints.

As a result of an increase in air traffic noise complaints, the City of Cottonwood has established a committee to consider and make recommendations about potential actions the airport could take to help address noise. Opportunities for the public to provide input have taken place, and the City recently held a public meeting to gather more information from the public as well as present to the public the plans the city has to modify the airport noise abatement program.

The Cottonwood Airport was built in the 1940s and significant residential development has occurred around the airport since that time. In compliance with A.R.S. 28-8485, the City of Cottonwood established an airport influence area in XXXX. An Airport Influence Area is a designation which ends up as a recorded document to provide notice to property owners (or potential purchasers of property) in the area that the area is subject to aircraft noise and aircraft overflights. Even with the notice provided as a result of the adoption of an Airport Influence Area, complaints about airport noise continue to grow as population and airport traffic expand.

The Cottonwood Airport receives the majority of its funding from the federal government, and, as such, one of the federal stipulations is that the airport must be open to all members of the aviation community. Many citizens have asked why training or 'touch n go' traffic is allowed since these are normally not Verde Valley residents or Cottonwood Airport tenants, and they increase the air traffic at the Cottonwood Airport. While 'touch n go' operations do increase flights at the airport, Cottonwood really has no way to limit those operations because of the federal funding they receive.

While air traffic noise cannot be eliminated, the City of Cottonwood is continuing to explore reasonable compromises for pilots and citizens in order to try to reduce impacts. The suggested changes shown in the chart below have been forwarded to the Federal Aviation Administration (FAA) for comment, and will be discussed by the Cottonwood Airport Commission in early December.

As some of the complaints are coming from Clarkdale residents, and some of the proposed modifications could further impact Clarkdale residents, Airport Manager Morgan Scott is asking for input from the Town of Clarkdale.

Existing	Proposed
Aircraft fly north from the airport, in the direction (heading) of the runway, until they reach 500 feet Above the Ground (AGL) then they can turn.	Aircraft flying north until they reach 89A, then they turn slightly left and follow 89A until they reach 750 feet AGL then they can turn.
'Touch n Go's' (training activity) are not allowed from 30 minutes before sunset and 30 minutes after dawn.	Touch n Go's would be limited to 60 minutes before sunset and after sunrise.
Aircraft in the pattern, (not landing or taking off) should be 800' AGL.	Aircraft in the pattern, should be 1,000' AGL.
No restrictions to fly west of Highway 89A.	Aircraft would be asked not to fly west of Highway 89A.

Morgan Scott, Manager of Cottonwood Airport presented information on this topic to Council. Council and Scott discussed complaints that have been registered regarding noise issues. It was clarified that the vicinity map only notes the location of the airport. The easements are on a case by case basis and are part of an effort on Cottonwood's part to heighten awareness that there is an airport nearby and identifies restrictions on individual properties.

One of the issues that needs to be discussed is the question: "Are we just changing (flight patterns) from one neighborhood to another" as any flight path will fly over some neighborhood. For example, the existing method of aircraft flying north from the airport in the direction of the runway, reaching 500 feet AGL and then turning has a proposed modification of reaching 750 feet AGL prior to turning. Scott stated that this proposal does bring more aircraft closer to Clarkdale although they will be 250 feet higher.

Flight patterns, altitudes, safety issues, FAA regulations and noise levels were discussed. Mr. Scott advised that the FAA does not regulate noise as far as he is aware.

Mayor Von Gausig opened the discussion to public comment. The following persons addressed the Council in public comment:

Jean and Clell Reed, Clarkdale residents – there are two planes that are consistently very noisy on Saturday mornings – it is impossible to sit outside. Acknowledged that if planes don't fly over her house they will fly over someone else's house. Not sure what they can ask as residents – can the planes fly higher? Can they fly further west? Can they put mufflers on the airplanes? (Mayor Von Gausig advised that the FAA does not usually intercede on issues like noise abatement and discussed take off power requirements.)

Lee Wilbur, Clarkdale resident – (*Pilot, Retired Air Force Colonel, Air Space Manager*), Stated every aircraft certified by FAA. His personal aircraft has sound suppression. He noted every time they change the direction someone will be unhappy. Discussed safety issues, weather and heat impacts on safety and noise. Mr. Wilbur said that what is being proposed currently will be louder than before in Clarkdale.

Mayor Von Gausig closed public comment and resumed further discussion with Mr. Scott. If the goal is to try to reduce complaints then just raising the altitude will not help. "Where they fly is about the only thing you can change." (Mayor)

Town Manager Mabery noted the Airport Influence Area that was adopted in 2006 currently includes only a small portion of Clarkdale. A lot of people living outside that area of influence that would not have had this notice. If these guidelines change now it would adversely affect these people. This is a potential issue if they are increasing the size of the vicinity map. So you can't increase size of vicinity map, and reduce the number of complaints as is the intent.

Mr. Scott agreed that the discussion should begin regarding a new site for building a new airport however it would not be a reality for about 50 years.

Mr. Scott will bring the following issues to his meeting tomorrow from this discussion:

- Blind spot danger
- Density altitude and possibly making more noise
- Pattern altitude and not making the vicinity map larger and impacting more properties

Action: This is a presentation only. The City of Cottonwood is seeking the Council's input, but no formal action is necessary.

CLARKDALE BOARD OF ADJUSTMENT – Discussion with possible action and direction to staff on the continuing need for an independently appointed Board of Adjustment in Clarkdale.

Arizona Revised Statutes §9-462.06 A requires that the Town Council establish a Board of Adjustment, consisting of at least five, and no more than seven, members appointed by the Town Council. As an alternative, the statute allows for the Town Council itself to act as the Board of Adjustment.

The Board of Adjustment is a quasi-judicial body which has the powers and duties as prescribed by State Statute and our Town Ordinances, including those more specifically set forth as follows:

- A. To hear and decide appeals in which it is alleged, by the applicant, there is an error in an order, requirement or decision made by an administrative official based on the enforcement of the Zoning Code or Building - Chapter 7 of the Town Code.
- B. To interpret the boundaries of the zoning districts as depicted on the Zoning Map.
- C. To hear and decide on requests for variances from the strict application of the Zoning Code as adopted by the Town of Clarkdale where by reason of exceptional narrowness, shallowness, shape, or topography, or a property's location and surroundings the strict application of said standards will deprive the subject property of privileges lawfully permitted other properties in the same zone district or immediate vicinity. Decisions shall be based upon a review of the application in conformance with the following criteria:
 1. SPECIAL CIRCUMSTANCES: There are special circumstances attributable to the property which are not applicable to other properties in the area or within the same zone district. The special circumstances must be related to the physical characteristics of the property including its shape, size, topography, location or surroundings and may not be related to the personal circumstances of the property owner or applicant.
 2. UNDUE HARDSHIP: If special circumstances attributable to the property exist, they must be of such a nature that the strict application of the development standards will result in an undue hardship. An undue hardship exists when the strict application of the Zoning Code is so unreasonable that it renders the property unusable without the granting of a variance. Hardship relates to the physical characteristics of the property, not the personal circumstances of the property owner or applicant.
 3. PUBLIC HEALTH, SAFETY AND WELFARE: A variance may be granted only if it can be done without substantial detriment to public health, safety or welfare and without substantial departure from the intent of the standard from which relief is requested.
 4. ADEQUATE FINANCIAL RETURN: The applicant's need for an adequate financial return on investment shall not be considered justification for the granting of a variance.
 5. SELF-IMPOSED SPECIAL CIRCUMSTANCES: A variance shall not be granted when the special circumstances, from which relief is requested, have been self-imposed by a current or former property owner or applicant.
 6. USE VARIANCE: A use variance may not be granted. (A use variance is one which would allow, as an example, a retail commercial establishment in a single family residential zone district.)

- D. To permit the extension of a nonconforming use throughout an existing structure or parcel subject to such conditions as the Board of Adjustment shall deem just and proper. Any extension of a nonconforming use shall comply with all bulk standards of the Zoning Ordinance and all development standards of other codes adopted by the Town of Clarkdale.

Vice Mayor Dehnert asked that the Town Council discuss whether the Town of Clarkdale should continue appointing a separate Board of Adjustment, or have the Town Council take back the responsibilities as the Board of Adjustment of Clarkdale.

From a historic perspective, the Clarkdale Town Council served as the Board of Adjustment for Clarkdale until June, 1998 when the first appointed Board of Adjustment was established. Clarkdale has operated with an appointed Board of Adjustment for the past 20 years.

The biggest challenge with having a separately appointed Board of Adjustment is that the Board is called to meet very infrequently. In fact, in the past five years, the Board has only held eight meetings, and three of those meetings were only held to elect a Chair and Vice Chair. Five meetings over the past five years had business items to consider variance requests. With such infrequent meetings, the concern is that the Board Members are not practiced in dealing with the potentially technical and legal issues that come with variance requests.

Another challenge that has surfaced is that volunteers who are appointed to the Board often express frustration at not being utilized due to lack of business for the Board to consider.

In anticipation of discussing the future of a separately appointed Board of Adjustment, the Council left one Board of Adjustment seat vacant during our normal schedule of appointment processes. As such, the Board currently consists of the following:

- 2 Members with Terms to Expire on September 30, 2019
- 2 Members with Terms to Expire on September 30, 2020
- 1 Vacant Seat

Vice Mayor Dehnert presented information to council on this topic. Feels it would better serve volunteers if they could find more active places for them to serve and feels the council could provide Board of Adjustment duties. He stated we should consider re-assigning the duties of the Board of Adjustment to the Town Council.

Discussion followed about other placement of the duties of the Board of Adjustment than with the Council. Vice Mayor Dehnert noted that the specific alternative to a separate Board of Adjustment in the statute is that the duties could lie with the Council.

One logistical result would be that Council meetings would need to be recessed and reconvened as separate entity (Board of Adjustment). The agendas are separately posted.

Action: Move forward with amendments to the Town Code, reinstating the Town Council as the Board of Adjustment for the Town of Clarkdale.

Motion: Vice Mayor Dehnert

Second: Councilmember Buckley

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

RESOLUTION DECLARING AND ADOPTING THE CANVASS OF THE NOVEMBER 6, 2018 GENERAL ELECTION – Discussion and consideration of Resolution # 1590 canvassing the results of the November 6, 2018 general election.

Election law requires the Town Council to canvass the votes not less than six days or more than 20 days after a primary or general election. If the ‘official final’ returns are not available at the time of the meeting of the governing body, the canvass will be postponed on a day-to-day basis until all returns are received. Six days or six postponements is the maximum allowable under Arizona law.

The Town of Clarkdale Proposition #445 – Proposing Issuance of Bonds Payable from a Secondary (Ad Valorem) Property Tax (for providing funds for street repair and improvements and the ongoing preservation of street condition inside the Town limits) received 1365 “NO” votes and 604 “YES” votes and did not pass.

Town Clerk Mary Ellen Dunn presented this information to Council.

Action: Approve Resolution #1590, a Resolution of the Mayor and Common Council of the Town of Clarkdale, Yavapai County, Arizona, declaring and adopting the results of the general election held on November 6, 2018.

Motion: Councilmember Regner

Second: Councilmember Buckley

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

RESOLUTION MAKING AN APPOINTMENT TO THE PUBLIC SAFETY PERSONNEL RETIREMENT BOARD – Discussion and consideration of Resolution #1589, amending Resolution #1558 making an appointment to the Public Safety Personnel Retirement Board.

The State of Arizona Public Safety Personnel Retirement System and Arizona Statute A.R.S. § 38-847(A) (1) requires the Local Board to be chaired by the Mayor or the Mayor's designee. It is the purpose of this discussion to appoint and approve a designee to serve as Chairperson of this Local Board.

Town Clerk Mary Ellen Dunn presented information on this item to Council. The current Chair is Ben Kramer. Dunn stated that it is not required for the Chair to be a Councilmember and that Mr. Kramer has stated he is still willing to serve. The Council stated and agreed that Mr. Kramer's experience with that Board and its functions and regulations make him the best person for the job.

Action: Approval of Resolution #1589, amending Resolution #1558 naming Ben Kramer as the Mayor's designee for Chairperson of the Public Safety Personnel Retirement System Local Board.

Motion: Councilmember Regner

Second: Councilmember Buckley

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

STRATEGIC PLANNING PRIORITIES – Discussion and consideration of adoption of the priorities that resulted from the Town Council's November 8, 2018 Strategic Planning Session.

The Clarkdale Town Council meets once per year in an Annual Strategic Planning Session with its Town Manager and Executive Management Team. We utilize these Strategic Planning Sessions to help realize our long-term vision by setting up goals and objectives in a systematic and incremental manner. In the simplest terms, we look at what we've recently accomplished, what is happening currently, where we want to be in the future, and what steps we need to take to get there.

The priorities and goals adopted in Clarkdale's Annual Strategic Planning sessions serve as a roadmap for the Town Council and staff for the upcoming two years. Balancing daily and long-term operations with limited resources is complex. Our strategic planning priorities and goals help guide us to best utilize our limited financial and human capital in ways that are consistent with our vision and mission, and consistent with the goals set by the Town Council as a body. While other priorities and goals certainly come up throughout the year, the Town Council and the staff have agreed to generally let our strategic planning goals, along with the annually adopted budget, guide our resource allocations from year to year. Committing to revisit this process on an annual basis also allows us to remain adaptable and flexible in the face of changing internal and external environments from year to year.

The 2018 Strategic Planning Session took place on Thursday, November 8, 2018 in the Men's Lounge of the Clark Memorial Clubhouse. A recap of the Strategic Planning Priorities was sent to the Town Council following that meeting, however, staff neglected to include the 2022 General Plan on the list of priorities. The updated chart attached to this packet includes the reference to the General Plan.

Please note that the great majority of the services that we provide to Clarkdale citizens happen in the day-to-day operation of the Tow, which are typically outside of our Strategic Planning priorities. Each department of the Town sets and accomplishes a variety of goals each year as we strive to provide quality services to our citizens.

Once adopted by the Council, the staff will utilize the Strategic Planning Priorities as a guide for our additional resource commitments in the next two years. We will develop specific follow-up goals as needed, and will keep the Council updated on the progress of each priority.

Town Manager Mabery presented this agenda item to Council.

Action: Adopt the 2018 Strategic Planning Priorities.

Motion: Vice Mayor Dehnert

Second: Councilmember Regner

Discussion followed. Councilmember Regner stated he would still like further discussion on other lower priority items regarding preserving historic structures and footprint of the town, stepping up enforcement of the nuisance code, a more formalized broadband plan, and capture other kinds of water sources to mitigate growth and economic development.

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

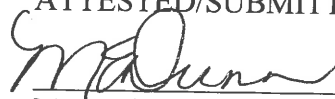
ADJOURNMENT: Without objection Mayor Doug Von Gausig adjourned the meeting at 4:23 P.M.

APPROVED:



Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:



Mary Ellen Dunn, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 27th day of November, 2018. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 12th day of December 2018.

SEAL



Mary Ellen Dunn, Town Clerk